IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 1723 of 2005

Between:

M/s.Medinova Diagnostic Services Limited,

6-3-652, Kautilya, Somajiguda Hyderabad,

rep.by its Chief General Manager K.Bhaskar Reddy,

son of Krishna Reddy.

..... PETITIONER

AND

1. The Regional Provident Fund Commissioner-II,

Regional provident Fund Commissioner (C&R),
Regional office, Barkathpura Hyderabad-27.

2. The Recovery officer,

Regional Provident Fund Commissioner (C&R),
Regional office, Barkathpura Hyderabad-27.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the orders passed by the Asst. provident Fund

Commissioner, Enforcement, Hyderabad u/s 7A of the PF Act, 1952 order No.AP/ 42252.Exem.Cell/2004 dated 10-6-2004, No.AP/42252.Exem.Cell/ 2004/112, dated 30-07-2004, No.AP/42252, Exem, Cell/2004/302 dated 25/26-10-2004, No. AP/42252.Exem.Cell/2004/361 dated 4th December 2004, certificate under sec. 8B No.AP/42252.Exem cell/2004/439 12-01-2005 basing on which the consequential demand notice issued by the Recovery officer, EPF organisation in No.AP/42252/R.Cell/Rc.No.4/04/1381 dated 18-01-2005 and AP/RO/RC (C&R)/COORD/Major Defaulters/807 dated 28-01-2005 are illegal, arbitrary in nature against the provisions of Employees Provident Fund and MP Act of 1952 and principles of natural justice and bad in law and set aside the same and direct the respondents to reopen the assessment and provide an opportunity of hearing the case of the petitioner herein otherwise the petitioner will sustain irreparable loss and injury.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents: MR.R.N.REDDY (STANDING COUNSEL FOR PROVIDENT FUND)

The Court made the following:

ORDER:

This petition is filed questioning the notice of demand dated 18.01.2005 directing the petitioner to pay arrears of Rs.18,18,973/-.

2. The case of the petitioner is that since he cannot pay the entire amount in lumpsum, permission may be granted to the petitioner to pay the amount in instalments.

3. The contention of the learned Standing Counsel for the respondents is that the writ petition is itself is not maintainable because the petitioner has an effective alternative remedy of appeal and since question of granting instalment does not arise.

4. It is stated that in pursuance of the interim order dated 04.02.2005, an amount of Rs.4 lacs is already deposited. Since the petitioner wants to pay the amount in instalments, in my considered opinion, the petitioner can be permitted to pay the amount demanded in three monthly instalments commencing from 16.05.2005.

5. Therefore, with a direction to the petitioner to pay Rs.4 lacs on 16.5.2005; Rs.4 lacs on 15.06.2005 and the remaining amount of Rs.6,18,973/- on 15.7.2005, the writ petition is disposed of. If the petitioner commits default in payment of any one of the instalments, the respondent is at liberty to recover the entire amount due from the petitioner at once.

6. Writ petition is ordered accordingly. No costs.

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C.Y.SOMAYAJULU,J.

Date: 25th April 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Provident Fund Commissioner-II,

Regional provident Fund Commissioner (C&R),
Regional office, Barkathpura Hyderabad-27.

2. The Recovery officer,

Regional Provident Fund Commissioner (C&R),
Regional office, Barkathpura Hyderabad-27.

3. Two CD copies

4. 1 CC to MR.REDDY

*Form-NIC-OGS/WP{**JA**}*